

**ENTERED**

June 23, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GERREN JARROD	§	CIVIL ACTION No
BROKENBERRY,	§	4:23-cv-00389
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
ALLSTATE FIRE AND	§	
CASUALTY	§	
INSURANCE	§	
COMPANY,	§	
Defendant.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

Plaintiff Gerren Jarrod Brokenberry, proceeding *pro se*, requests “compensation” from Defendant Allstate Fire and Casualty Insurance Company. Dkt 1. Allstate moves to dismiss for failure to state a claim. Dkt 9.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan, recommending that the motion be granted because Brokenberry’s complaint is devoid of factual allegations supporting a plausible claim. The Magistrate Judge also concludes that amendment would be futile, and thus recommends that dismissal be with prejudice. Dkt 15.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there’s no objection if satisfied that no clear error appears on the face of the record. See *Guillory v*

*PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No party filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 15.

The motion by Defendant Allstate Fire and Casualty Company to dismiss is GRANTED. Dkt 9.

This civil action will be DISMISSED WITH PREJUDICE.

A final judgment will enter separately.

SO ORDERED.

Signed on June 23, 2023, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge II". The signature is stylized with a large "Ch" and a prominent "II" at the end.

Hon. Charles Eskridge  
United States District Judge